

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS**

UNITED STATES OF AMERICA,

Plaintiff,

v.

CALVIN C. MONTGOMERY,

Defendant.

No. 06-cr-30071-DRH

ORDER

HERNDON, Chief Judge:

On November 19, 2007, the Court held oral argument on Montgomery's motion to dismiss (Doc. 44). Based on the reasons stated on the record, the Court **DENIES** Montgomery's motion to dismiss.

IT IS SO ORDERED.

Signed this 20th day of November, 2007.

/s/ David R Herndon
Chief Judge
United States District Court